

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

October 18, 2010

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Scotland, Acting Presiding Justice*; Blease, Associate Justice; Hull, Associate Justice; and Haskett, bailiff.

C062052 LANGE v. SEGERSTROM REAL ESTATE, INC., et al.

Cause called. Charles A. Koss argued for appellant. Cory B. Chartrand argued for respondents. Cause submitted.

At 9:55 a.m., the court recessed. At 9:57 a.m., the court reconvened with Scotland, Acting Presiding Justice*; Sims, Associate Justice; and Nicholson, Associate Justice.

C059239 MAMMOTH LAKES LAND ACQUISITION LLC v. TOWN OF MAMMOTH LAKES

Cause called. Maria Chedid argued and Peter E. Tracy and Edgar B. Washburn appeared only for appellant. Daniel L. Brokett argued and John M. Pierce and Daniel Bromberg appeared only for respondent. Cause submitted.

At 10:39 a.m., the court recessed. At 10:41 a.m., the court reconvened with Scotland, Acting Presiding Justice*; Nicholson, Associate Justice; and Butz, Associate Justice.

C062411 In re DAMIAN M. MIRANDA on Habeas Corpus.

Cause called. Michael Satris, court appointed counsel, argued for petitioner. Yun Hwa Harper, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:17 a.m., the court recessed. At 11:18 a.m., the court reconvened with Scotland, Acting Presiding Justice*; Hull, Associate Justice; and Cantil-Sakauye, Associate Justice.

C062774 In re M.K. et al; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. R.K.

Cause called. Lianna Serobian, court appointed counsel, argued for appellant. Claire Van Dam, Deputy County Counsel, argued for respondent. Cause submitted.

At 11:42 a.m., the court recessed. At 2:03 p.m., the court reconvened with Scotland, Acting Presiding Justice*; Nicholson, Associate Justice; and Raye, Associate Justice.

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**C059062 STATE EMPLOYMENT DEVELOPMENT DEPARTMENT v. STATE
UNEMPLOYMENT BOARD; SCREAMING EAGLE, INC.**

Cause called. William Hays Weissman argued for real party in interest and appellant. Richard Martland argued for real party in interest and appellant. Theodore S. Goodwin argued and Barbara S. Kaufman appeared only for plaintiff and respondent. Cause submitted.

At 2:37 p.m., the court recessed. At 2:39 p.m., the court reconvened with Scotland, Acting Presiding Justice*; Robie, Associate Justice; and Butz, Associate Justice.

C061805 THE PEOPLE v. LARRY STEVEN SMITH

Cause called. Mark Greenberg, court appointed counsel, argued for appellant. Jesse Witt, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:06 p.m., the court recessed. At 3:08 p.m., the court reconvened with Scotland, Acting Presiding Justice*; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

C060140 THE PEOPLE v. ANTHONY STEPHON MAYERS

Cause called. Victor Blumenkrantz, court appointed counsel, argued for appellant. Larenda Delaini, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:32 p.m., the court recessed. At 3:34 p.m., the court reconvened with Raye, Associate Justice; Robie, Associate Justice; and Cantil-Sakauye, Associate Justice.

C061681 THE PEOPLE v. JONATHAN ANDREW HAMPTON

Cause called. Mark Greenberg, court appointed counsel, argued for appellant. Peter H. Smith, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:56 p.m., the court recessed. At 4:01 p.m., the court reconvened with Blease, Associate Justice; Nicholson, Associate Justice; and Butz, Associate Justice.

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C063245 THE PEOPLE v. ALEXANDER RAY WARREN

Cause called. Susan K. Shaler, court appointed counsel, argued for appellant. Sean M. McCoy, Deputy Attorney General, argued for respondent. Cause submitted.

At 4:26 p.m., the court recessed until 9:30 a.m., Tuesday, October 19, 2010.

C060679 THE PEOPLE v. (Not For Publication)
PETER CYRUS AGHASSI et al.

The judgments against Teleback and Aghassi are affirmed.

BUTZ, J.

We Concur: Raye, Acting P.J.
Cantil-Sakaue, J.

C062255 THE PEOPLE v. (Not For Publication)
DESARAIÉ CAROL PARSONS

The judgment is modified...

NICHOLSON, Acting P.J.

We Concur: Raye, J.
Cantil-Sakaue, J.

C062283 THE PEOPLE v. (Not For Publication)
ELDON WAYNE LAURI

The judgment is affirmed.

SIMS, Acting P.J.

We Concur: Nicholson, J.
 Raye, J.

C062665 THE PEOPLE v. (Certified For Partial Publication)
JEREMY NOEL DOOLEY

The judgment is affirmed.

BUTZ, J.

We Concur: Sims, Acting P.J.
 Raye, J.

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- C062931 THE PEOPLE v. (Not For Publication)**
JERRY LYNN WARD
The judgment is modified... As modified, the judgment is affirmed. ...
BLEASE, Acting P.J.
We Concur: Sims, J.
Nicholson, J.
- C064877 THE PEOPLE v. JASON CONNER (Not For Publication)**
The judgment is affirmed.
MAURO, J.
We Concur: Blease, Acting P.J.
Raye, J.
- C063339 THE PEOPLE v. (Not For Publication)**
ANTONE CORBETT
The judgment is affirmed as modified. The trial court is directed to
prepare and forward to the Department of Corrections and Rehabilitation a new
abstract of judgment.
SIMS, Acting P.J.
We Concur: Nicholson, J.
Raye, J.
- C063987 THE PEOPLE v. BRANDON TANNER (Not For Publication)**
The probation order is modified... As modified, the judgment is affirmed.
RAYE, Acting P.J.
We Concur: Robie, J.
Butz, J.
- C064257 THE PEOPLE v. (Not For Publication)**
RICKY WRIGHT MINTON
The judgment is affirmed.
BUTZ, J.
We Concur: Nicholson, Acting P.J.
Raye, J.
- C064877 THE PEOPLE v. JASON CONNER (Not For Publication)**
The judgment is affirmed.
MAURO, J.
We Concur: Blease, Acting P.J.
Raye, J.

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C064925 THE PEOPLE v. (Not For Publication)
WAYNE JEROME BERGMAN
 The judgment is affirmed. ...
 NICHOLSON, Acting P.J.
We Concur: Hull, J.
 Robie, J.

October 19, 2010

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Sims, Associate Justice; Hull, Associate Justice; Cantil-Sakauye, Associate Justice; and Horner, bailiff.

C062712 CALIFORNIA HIGHWAY PATROL v. WORKERS' COMPENSATION
APPEALS BOARD et al.
 Cause called. Alan R. Canfield argued for petitioner. Paul H. Saltzen argued for respondents. Cause submitted.

At 9:57 a.m., the court recessed. At 9:59 a.m., the court reconvened with Raye, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

C061782 LICKTER et al. v. LICKTER et al.
 Cause called. Charles L. Post argued for appellants. Melissa L. McDonald argued and Steven T. Spiller appeared only for respondents. Cause submitted.

At 10:24 a.m., the court recessed. At 10:26 a.m., the court reconvened with Scotland, Acting Presiding Justice*; Nicholson, Associate Justice; and Robie, Associate Justice.

C062354 In re MICHAEL JAY LOVELESS on Habeas Corpus.
 Cause called. Pamela B. Hooley, Deputy Attorney General, argued for petitioner. Michael Satris, court appointed counsel, argued for respondent. Cause submitted.

At 11:06 a.m., the court recessed. At 2:05 p.m., the court reconvened with Blease, Associate Justice; Nicholson, Associate Justice; and Robie, Associate Justice.

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**C063301 THE PEOPLE ex rel. DEPARTMENT OF TRANSPORTATION v. SOHAL;
SMITH FAMILY PARTNERSHIP**

Cause called. Mark Steidlmayer argued for appellant. Sari Myers argued for plaintiff-respondent. Brian Manning argued for defendant-respondent. Cause submitted.

At 2:30 p.m., the court recessed. At 2:32 p.m., the court reconvened with Blease, Associate Justice; Hull, Associate Justice; and Cantil-Sakauye, Associate Justice.

C060683 THE PEOPLE v. FLOYD MARTIN et al.

Cause called. Charles M. Bonneau, court appointed counsel, argued and Ann Hopkins, court appointed counsel, appeared only for appellants. Janine R. Busch, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:00 p.m., the court recessed. At 3:01 p.m., the court reconvened with Nicholson, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

C060780 THE PEOPLE v. ROBERT LEE PATTON

Cause called. Laura Schaefer, court appointed counsel, argued for appellant. Alice Su, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:26 p.m., the court recessed. At 3:28 p.m., the court reconvened with Hull, Associate Justice; Butz, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C064500 In re A.V.; TRINITY COUNTY DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. R.V.**

Cause called. Darlene A. Kelly, court appointed counsel, argued for appellant. David R. Hammer, argued for respondent. Cause submitted.

At 3:58 p.m., the court recessed until 9:30 a.m., Wednesday, October 20, 2010.

**C063033 THE PEOPLE v.
MARCOS FRANCISCO RIVAS**

(Not For Publication)

The judgment is affirmed.

BLEASE, Acting P.J.

We Concur: Sims, J.

Nicholson, J.

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C064694 THE PEOPLE v. (Not For Publication)
TINA YEVETTE WILSON

The judgment is affirmed.

MAURO, J.

We Concur: Blease, Acting P.J.
 Butz, J.

October 20, 2010

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Scotland, Acting Presiding Justice*; Sims Associate Justice; Robie, Associate Justice; and Haskett, bailiff.

**C062504 EMPLOYMENT DEPARTMENT v. CALIFORNIA UNEMPLOYMENT
INSURANCE APPEALS BOARD; SPHERION PACIFIC ENTERPRISES, LLC,
et al.**

Cause called. Theodore S. Goodwin argued and Barbara S. Kaufman appeared only for appellant. William Hays Weissman argued for real party in interest and respondents. Cause submitted.

At 10:03 a.m., the court recessed. At 10:04 a.m., the court reconvened.

C062321 KEYES et al. v. BOWEN, as Secretary, etc., et al.

Cause called. Gary Kreap argued for appellants. Peter A. Krause, Deputy Attorney General, argued for respondents Bowen et al.. Michael J. Strumwasser argued for respondents Obama et al. Cause submitted.

At 10:22 a.m., the court recessed. At 10:29 a.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Raye, Associate Justice.

**C063228 In re the Marriage of BARBARA JEAN and EDWARD MORRIS DIAS;
O'NEILL v. DIAS**

Cause called. Kenneth M. Foley argued for appellant. Steve J. Cottrell argued for respondent. Cause submitted.

At 10:52 a.m., the court recessed. At 10:55 a.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Robie, Associate Justice.

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C062480 DOCTORS MEDICAL CENTER OF MODESTO, INC. v. DEPARTMENT OF HEALTH CARE SERVICES et al.

Cause called. Patric Hooper argued and Kat Todd-Schwartz appeared only for plaintiff-appellant. Elizabeth A. Linton, Deputy Attorney General, argued for defendant-appellant Department of health Care Services et al.. Roger S. Matzkind , assistant county counsel, argued for defendant-appellant County of Merced. Cause submitted.

At 11:20 a.m., the court recessed. At 11:21 a.m., the court reconvened.

C059079 EQUILON ENTERPRISES v. STATE BOARD OF EQUALIZATION et al.; NATIONAL PAINT & COATINGS ASSOCIATION, INC.

Cause called. Stuart L. Somach argued and Daniel Kelly, Thomas H. Steele, and Paul Lester appeared only for appellant. Robert E. Asperger, Deputy Attorney General, argued and Molly K. Mosley, Deputy Attorney General, appeared only for respondents. Robert A. Julian argued for intervenor-respondent. Cause submitted.

At 12:00 p.m., the court recessed. At 2:00 p.m., the court reconvened with Raye, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

C062818 TBS PETROLEUM, LLC v. DAVIS et al.

Cause called. Mark D. Norcross argued for appellant. Robert Hansen argued for respondents. Cause submitted.

At 2:25 p.m., the court recessed. At 2:26 p.m., the court reconvened.

C064089 In re J.F.; BUTTE COUNTY DEPARTMENT OF EMPLOYMENT AND SOCIAL SERVICES v. S.F., an Incompetent Person, etc.

Cause called. Darlene Azevedo Kelly argued for appellant. David Kennedy argued for respondent. Cause submitted.

At 2:42 p.m., the court recessed. At 2:43 p.m., the court reconvened.

C061239 TRACY JOINT UNIFIED SCHOOL DISTRICT v. POMBO, JR., et al.

Cause called. George Speir argued for appellants. William T. Chisum argued for respondent. Cause submitted.

At 3:10 p.m., the court recessed. At 3:10 p.m., the court reconvened.

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C061749 THE PEOPLE v. ROLANDO N. GALLEGO

Cause called. Ralph H. Goldsen, court appointed counsel, argued for appellant. Daniel B. Bernstein, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:38 p.m., the court recessed until 9:30 a.m., Friday, October 22, 2010.

C059989 THE PEOPLE v. CURTIS CANADA (Not For Publication)

The judgment is reversed...

CANTIL-SAKAUYE, J.

We Concur: Scotland, Acting P.J.*
Hull, J.

C060634 MATTILA et al. v. FEATHER RIVER HOMES, INC. (Not For Publication)

The judgment is affirmed. Plaintiffs are awarded their costs on appeal. (Cal. Rules of Court, rule 8.278 (a).)

HULL, J.

We Concur: Scotland, Acting P.J.*
Nicholson, J.

C065071 In re K.F. et al.; EL DORADO COUNTY DEPARTMENT OF HUMAN SERVICES v. N.M. (Not For Publication)

The judgment (orders denying the section 388 petition and terminating parental rights) is affirmed.

ROBIE, J.

We Concur: Nicholson, Acting P.J.
Hull, J.

C057964 PALMER v. BNSF RAILWAY COMPANY (Not For Publication)
THE COURT:

It is ordered that the opinion filed herein on September 30, 2010, be modified...

This modification changes judgment.

SCOTLAND, Acting P.J.*

Hull, J.

Robie, J.

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C059578 KREIZENBECK et al. v. DAN GAMEL'S ROCKLIN RV CENTER
BY THE COURT:

Appellants having advised the court that the bankruptcy proceedings in this matter have been terminated, the appeal shall proceed. The stay issued April 2, 2009, is vacated. Respondent Dan Gamel's brief is due on or before November 9, 2010.

SCOTLAND, Acting P.J.*

C062281 CORONA et al. v. STULL
BY THE COURT:

Cyrus Sanai's request to publish the opinion filed on September 28, 2010, is denied.

RAYE, Acting P.J.

October 21, 2010

C060011 THE PEOPLE v. RAFAEL PADILLA (Not For Publication)

The judgment is affirmed.

SIMS, Acting P.J.

We Concur: Raye, J.
Robie, J.

C061952 THE PEOPLE v. (Not For Publication)
CHRISTOPHER JOSEPH MAES

The judgment is affirmed.

BLEASE, J.

We Concur: Scotland, Acting P.J.*
Nicholson, J.

C062693 THE PEOPLE v. (Not For Publication)
MICHAEL EDWARD FINN

The judgment is affirmed.

SIMS, J.

We Concur: Scotland, Acting P.J.*
Raye, J.

Court Minutes

October 21, 2010, Continued

C063558 THE PEOPLE v. (Not For Publication)
CHRISTOPHER AARON BABB

The trial court is directed to prepare a corrected abstract of judgment reflecting that conduct credit was awarded pursuant to Penal Code section 2933.1 and to forward a certified copy to the Department of Corrections and Rehabilitation. The judgment is affirmed.

SIMS, Acting P.J.

We Concur: Nicholson, J.
 Raye, J.

C062637 SCHERFFIUS v. SACRAMENTO COUNTY (Not For Publication)
BOARD OF SUPERVISORS et al.

The judgment of dismissal is affirmed. Respondents are awarded costs on appeal. (Cal. Rules of Court, rule 8.278 (a)(1), (2).)

BUTZ, J.

We Concur: Blease, Acting P.J.
 Nicholson, J.

**C064845 In re L.D. et al.; SACRAMENTO COUNTY
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. L.D. (Not For Publication)**

The orders of the juvenile court are affirmed.

HULL, J.

We Concur: Scotland, Acting P.J.*
Robie, J.

C059767 THE PEOPLE v. JUNE ANN LUCENA (Not For Publication)
C064415 THE COURT:

It is ordered that the opinion filed herein on September 21, 2010, be modified...

This modification does change the judgment.

SCOTLAND, Acting P.J.*

Nicholson, J.
Butz, J.

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October 22, 2010

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Scotland, Acting Presiding Justice*; Blease Associate Justice; Hull, Associate Justice; and Horner, bailiff.

C062904 COTTINI v. ENLOE MEDICAL CENTER

Cause called. Joseph M. Earley III argued for appellant. Scott Cavanugh argued and Julie Martio appeared only for respondent. Cause submitted.

At 10:05 a.m., the court recessed. At 10:07 a.m., the court reconvened with Blease, Associate Justice; Nicholson, Associate Justice; and Raye, Associate Justice.

**C061494 DOBBAS et al. v. VITAS et al.; CALFARM INSURANCE COMPANY;
AMERICAN GUARANTEE AND LIABILITY INSURANCE COMPANY**

Cause called. Julie Dean Larsen argued for movant-appellant. G. Edward Rudloff Jr. argued and Edward P. Murphy appeared only for cross-defendant-respondent. Ronald D. Echeguren argued for defendant-cross-complainants-respondents. Cause submitted.

At 10:32 a.m., the court recessed. At 10:34 a.m., the court reconvened with Blease, Associate Justice; Hull, Associate Justice; and Cantil-Sakauye, Associate Justice.

C055633 VARGAS v. MARTINEZ-SENFTNER LAW FIRM et al.

Cause called. Gloria Martinez-Senftner argued for appellants Martinez-Senftner Law Firm. Ellen C. Dove argued for appellant James Senftner. Noah W. Kantner argued for respondent. Cause submitted.

CONSOLIDATED WITH

C056198 VARGAS v. MARTINEZ-SENFTNER LAW FIRM et al.

Cause called. Gloria Martinez-Senftner argued for appellants Martinez-Senftner Law Firm. Ellen C. Dove argued for appellant James Senftner. Noah W. Kantner argued for respondent. Cause submitted.

At 11:06 a.m., the court recessed. At 2:03 p.m., the court reconvened with Scotland, Acting Presiding Justice*; Nicholson, Associate Justice; and Butz, Associate Justice.

